

STANDARD CRIMINAL 17

VOLUNTARY ACT

Before you may convict the defendant of the charged crime(s), you must find that the State proved beyond a reasonable doubt that the defendant [committed a voluntary act] [omitted to perform a duty imposed upon the defendant by law that the defendant was capable of performing]. A voluntary act means a bodily movement performed consciously and as a result of effort and determination. You must consider all the evidence in deciding whether the defendant [committed the act voluntarily] [failed to perform the duty imposed on the defendant].

SOURCE: RAJI (Criminal) No. 17 (1996); A.R.S. §§ 13-105 (statutory language as of April 19, 1994), 13-201 (statutory language as of Oct. 1, 1978); *State v. Lara*, 183 Ariz. 233, 234-235, 902 P.2d 1337, 1338-1339 (1995).

USE NOTE: The appropriate bracketed language should be used in cases depending on whether a defendant is accused of committing a voluntary act or failing to perform a duty imposed by law.

“Voluntary act” is defined in A.R.S. § 13-105.